

PATENT
Attorney Docket No. 47004.000059

II. 35 U.S.C. § 102 Rejection

Claims 1, 10, 11, 13, 15 and 21 have been rejected for allegedly being anticipated by Riach *et. al.*, U.S. Patent No. 5,751,842 (herein "Riach") under 35 U.S.C. § 102(b). The Examiner has explained that Riach discloses a check depositing system and method comprising a remote processing terminal, connected to a data circuitry suitable for electronic funds transfer whereby the customer's bank account can be automatically credited with the monetary value of a conventional check; the customer logs on to the automated banking system using a bankcard and pin number and is authorized to continue; the customer enters information from the check into the customer terminal using a keyboard; and a funds transfer operation is effected wherein the value of the check is transferred from the payor's account to the payee's account, this process including the check clearing process. See Office Action at p. 3. The Examiner further noted that, "[t]he Riach . . . apparatus comprises an automated banking system . . . [t]he checks deposited in the Riach . . . apparatus are processed or cleared by the Riach . . . apparatus itself . . . [t]he Riach . . . apparatus also comprises a check clearing system." See Office Action at p. 5.

Applicants respectfully submit that, as amended, Riach does not anticipate the invention of claims 1, 15 and 21. Applicants have amended claim 1 to include the further limitations that the automated banking system is remotely located from the customer terminal interface, and that the check clearing system is remotely located from the automated banking system. Claims 15 and 21 have been amended to include the limitation the customer terminal is remotely located from the automated banking system. These limitations thus distinguish the invention of claims 1, 15 and 21 over Riach for at least the reason that that automated banking system and the check clearing system are separate from the customer terminal, unlike Riach where the apparatus itself comprises the automated banking system and the check clearing system.

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Similarly, newly added claims 50, 55 and 59 include similar limitations that the automated banking system is remotely located from the customer terminal, thus distinguishing these newly added claims over Riach. In addition, claims 50 and 55 include the limitation that access to the customer terminal is controlled by the bank customer payee. This limitation distinguishes the Riach apparatus over the invention because the Riach apparatus is described as an ATM (automated teller machine), which does not have access controlled by the bank customer payee.

Claims 55 and 59 include limitations that the customer terminal is associated with a demand deposit account of the customer and that the discrete value of each check for deposit is deposited by the automated banking system into the associated demand deposit account. These limitations also distinguish the invention over Riach because the Riach apparatus is not associated with a customer payee demand deposit account prior to logging onto the automated banking system by the customer.

Applicants respectfully request that the 35 U.S.C. § 102 rejections of independent claims 1, 15, and 21 be withdrawn, since the cited reference Riach does not disclose each and every aspect of the claimed invention. Since the remaining claims depend from one of claims 1, 15, or 21, Applicants respectfully request that the rejection of each of these claims under § 102 for anticipation likewise be withdrawn. Similarly, Applicants submit that Riach does not anticipate any of newly added claims 50 through 59 for the reasons set forth above.

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III. 35 U.S.C. § 103 Rejections

Claims 4 and 17 have been rejected as allegedly being unpatentable over Riach pursuant to 35 U.S.C. § 103(a).

Applicants respectfully submit that the invention of claims 4 and 17, as amended, are not obvious because Riach does not teach or suggest all the claim limitations in each instance. The limitations added by amendment of claims 1 and 15 (that the automated banking system is remotely located from the customer terminal interface, and that the check clearing system is remotely located from the automated banking system and the customer terminal is remotely located from the automated banking system) are not disclosed or suggested by Riach. Riach thus does not disclose each and every element of the invention of claims 1 and 15, either alone or in view of Official Notice that a personal computer can be used as a customer terminal and the step of a provisional credit being applied to a customer's account, and therefore does not disclose each and every limitation of dependent claims 4 and 17.

Applicants respectfully submit that claims 4 and 17 are not obvious in view of Riach and Official Notice, and respectfully request that this rejection be withdrawn.

CONCLUSION

Applicants submit that the application is in condition for allowance and respectfully request entry of this Amendment after Final Rejection and a notice of allowance for all the pending claims. Applicants submit a check in the amount of \$110.00 and request a one month extension of time for filing this Amendment. It is believed that no other fees are due. However, should any other fees be determined to be due, Applicants request that such fees be charged against Deposit Account 50-0206. Should the Examiner determine that any further action is

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necessary to place this application in condition for allowance, the Examiner is kindly requested and encouraged to telephone Applicants' undersigned representative at the number listed below.

Respectfully submitted,

HUNTON & WILLIAMS

Date: January 7, 2003

By: _____

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1. (Three times amended) A system for depositing the value associated with conventional checks into the bank account of a customer payee comprising:
- an interface to a customer terminal, the customer terminal being located remotely from a bank[, the customer terminal further being selectively locatable by a customer payee];
 - an automated banking system connected to the customer terminal interface via a communication link, the automated banking system being located remotely from the customer terminal interface; and
 - an interface to a check clearing system, the check clearing system connected to the automated banking system via a communication link, the check clearing system being located remotely from the automated banking system
- wherein the automated banking system is configured such that information from a conventional check is entered into the customer terminal, and
- wherein the automated banking system and check clearing system are configured to effectuate deposit of the discrete value of each check into an account of the customer payee.
15. (Three times amended) A method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank, comprising:
- (a.) receiving conventional checks payable to a bank customer payee;

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(b.) logging the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank[, wherein the customer terminal is selectively locatable by the bank customer payee] and the automated banking system;

(c.) entering transaction data into the customer terminal;

(d.) processing the discrete value of each check for deposit by the automated banking system; and

(e.) receiving a result of the transaction for each check.

21. (Three times amended) A method for allowing a bank to process check deposit transactions that are initiated by a bank customer at a remote location, comprising:

(a.) receiving a request from a bank customer on a terminal that is remotely situated from a bank for authorization to make a transaction using an automated banking system, wherein the terminal is remotely situated from the automated banking system;

(b.) authorizing a bank customer payee as a user on the automated banking system;

(c.) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer; and

(d.) processing the transaction for the discrete value of each check.

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